IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

A.O.NO.360 OF 2005

Lt.Col. Dilip B. Yadav .. Appellant

vs.

Union of India .. Respondent.

Shri P.K. Dhakephalkar i/b. A.M.Rajabally, Advocate for the Appellant.

Shri R.V.Desai Sr. Advocate with Ms. R.V.Bharucha, Advocate for the Respondent.

CORAM : A.S.OKA, J.

DATED : 29th March, 2005.

P.C. :

1. Heard learned Counsel appearing for the parties. After arguing the appeal for sometime, Shri Desai, learned Senior Counsel appearing for the Respondent stated that till the Notice of Motion is heard, the Appellant will not be evicted from the premises.He submitted that the notice of motion be ordered to be heard expeditiously.

2. The statement made by learned Senior Counsel Shri Desai is accepted. In view of this

statement the appeal need not be entertained. Appeal is disposed of. No order as to costs.

3. The learned Trial Judge will hear and decide the Notice of Motion No.5126 of 2004 as expeditiously as possible and in any event on or before 30.4.2004.

4. All contentions of the parties on merits are kept expressly open.

5. The learned Trial Judge will pass the order on the Notice of Motion without being influenced by the impugned Judgment and Order.

. Parties and the concerned Court to act on the authenticated copy of this order.

(A.S.Oka, J.)